

ORIGINAL

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 15-382V

(Not to be published)

REISSUED FOR PUBLICATION

DEC 29 2016

OSM

U.S. COURT OF FEDERAL CLAIMS

FILED

DEC -2 2016

U.S. COURT OF  
FEDERAL CLAIMS

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PHETSAMAI KHAMPO,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES

Respondent.

\*\*\*\*\*

Filed: December 2, 2016

Decision on Attorneys'  
Fees and Costs

DECISION (ATTORNEYS' FEES AND COSTS)

HASTINGS, *Special Master*

In this case under the National Vaccine Injury Compensation Program,<sup>1</sup> I granted the request of Petitioners' counsel, Kelly Burdette, to withdraw as counsel of record, on May 17, 2016. On August 5, 2016, I issued a Decision dismissing the Petition, due to Petitioner's failure to prosecute the case and failure to follow court orders.

Ms. Burdette submitted an Application for attorneys' fees and costs to the court on September 28, 2016, which included a billing statement and a description of the work performed by counsel before her withdrawal from the case. Counsel requested a total of \$10,466.55, representing \$9,112.50 for attorneys' fees, and \$1,354.05 for costs. In accordance with General Order #9, Ms. Burdette also submitted a statement signed by Petitioner, indicating that Petitioner incurred no reimbursable costs in pursuit of this claim. Upon reviewing this Application, I find that it contains written information that is relevant to the matters under consideration here, pursuant to Vaccine Rule 15.

<sup>1</sup> The applicable statutory provisions defining the program are found at 42 U.S.C. § 300aa-10 *et seq.* (2012).

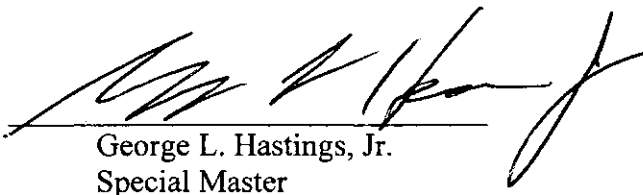
On October 13, 2016, Respondent filed a Response to the Application indicating that Respondent does not oppose an award of attorney's fees and costs based on these documents. Further, Respondent does not object to the total amount requested by Ms. Burdette, because it is not an unreasonable amount to have been incurred during proceedings in this case. (*See* Response, filed Oct. 13, 2016.)

I find that this Petition was filed and pursued in good faith and with a reasonable basis. Thus, an award for fees and costs is appropriate at this time, pursuant to 42 U.S.C. § 300aa-15(b) and (e)(1). Further, the proposed amount seems reasonable and appropriate. Accordingly, I hereby award the following attorneys' fees and costs pursuant to 42 U.S.C. § 300aa-15(b) and (e)(1):

- a lump sum of \$10,466.55, in the form of a check payable jointly to Petitioner and Petitioner's counsel, Kelly D. Burdette, on account of services performed by counsel's law firm.

In the absence of a timely-filed motion for review filed pursuant to Appendix B of the Rules of the U.S. Court of Federal Claims, the clerk of the court shall enter judgment in accordance herewith.<sup>2</sup>

**IT IS SO ORDERED**

  
George L. Hastings, Jr.  
Special Master

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<sup>2</sup> Pursuant to Vaccine Rule 11(a), the parties may expedite entry of judgment by filing a joint notice renouncing the right to seek review.